

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ELBERT M. SHARPE, JR., individually and
as personal representative of the ESTATE OF
ELBERT M. SHARPE, SR.,**

Plaintiffs,

v.

CITIMORTGAGE, INC.,

Defendant.

v.

**ELBERT M. SHARPE, JR., individually, and
AIS RECOVERY SOLUTIONS, LLC on behalf
of FIA CARD SERVICES, N.A.,**

**Third-Party/Counterclaim
Defendants.**

**Civil Action No.
18-12455-FDS**

ORDER TO PARTIALLY DISBURSE FUNDS DEPOSITED WITH THE COURT

SAYLOR, J.

This is an action arising out of a mortgage foreclosure sale. On March 1, 2019, this Court granted defendant CitiMortgage, Inc.'s motion to deposit surplus funds from the foreclosure sale with the Court in the amount of \$363,789.26. Plaintiff Elbert M. Sharpe, Jr., individually and as personal representative of the estate of Elbert M. Sharpe, Sr., has moved for an immediate partial disbursement of the surplus funds. At this stage, the only potential claimant other than Elbert M. Sharpe, Jr., appears to be AIS Recovery Solutions, LLC, on behalf of FIA Card Services, N.A., for \$10,931.88. It also appears that Elbert M. Sharpe, Jr., is in immediate need of funds for his basic requirements of daily living.

Plaintiff's motion to disburse will be granted in part, as follows:

1. The Court directs that \$100,000 of the funds shall be immediately disbursed to Denzil D. McKenzie, as counsel for plaintiff Elbert M. Sharpe, Jr., individually and as personal representative of the estate of Elbert M. Sharpe, Sr.
2. Any opposition to the motion to disburse is due within 14 days, or by March 20, 2019. Unless third-party defendant AIS Recovery Solutions, LLC on behalf of FIA Card Services, N.A., or any other party, proposed intervenor, or claimant files an opposition or otherwise seeks to assert a claim to all or part of the funds, the Court intends to issue a further order after March 20 providing that \$252,857.38 (that is, all but \$11,000 of the remaining funds) shall be further disbursed to Denzil D. McKenzie, as counsel for plaintiff Elbert M. Sharpe, Jr., individually and as personal representative of the estate of Elbert M. Sharpe, Sr.
3. The disposition of the remaining \$11,000 in surplus funds shall be determined at a further hearing, to be scheduled by the Court.

So Ordered.

Dated: March 6, 2019

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge